

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

SHARPE HOLDINGS, INC.,
CHARLES N. SHARPE,
JUDI DIANE SCHAEFER,
RITA JOANNE WILSON,
OZARK NATIONAL LIFE INSURANCE
COMPANY,
N.I.S. FINANCIAL SERVICES, INC., and
CNS CORPORATION,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

No. 2:12-CV-92-DDN

MEMORANDUM AND ORDER

This action is before the court on the motion of newly added plaintiffs Ozark National Life Insurance Company, N.I.S. Financial Services, Inc., and CNS Corporation (Doc. 51) for a preliminary injunction under Federal Rule of Civil Procedure 65. Also pending is the motion of the defendants (Doc. 42) for a second extension of time to file a response to plaintiffs' complaint. Because plaintiffs have filed an amended complaint adding the movant plaintiffs, the court will consider defendants' motion as applying to the amended complaint as well. The parties have consented to the exercise of plenary authority by the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

The newly added plaintiffs seek preliminary injunctive relief because there is a threat of immediate harm to them if they do not receive the injunctive relief. They allege that "the renewal date of their employee health benefit plan is July 1, 2013, and these plaintiffs must complete the process of identifying an appropriate health plan and completing the enrollment process for their employees immediately." (Doc. 51 at 2.) Defendants do not object to the entry of this injunctive relief, which maintains the status quo, based upon plaintiffs' claims under the federal Religious Freedom Restoration Act. Defendants do not request a bond. (Id.)

Therefore, in order to maintain the status quo, until further order of the court, and without objection by the defendants,

IT IS HEREBY ORDERED that defendants, their agents, officers and employees are prohibited from applying and enforcing against these plaintiffs, their employee health plan(s), or their insurer(s) the statute and regulations that require plaintiffs to provide employees insurance coverage for “[a]ll Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity,” as prescribed by a health care provider, 77 Fed. Reg. 8725, as well as any penalties, fines, assessments, or enforcement actions for non-compliance, including those found in 26 U.S.C. §§ 4980D and 4980H, and 29 U.S.C. § 1132, to the extent these regulations require coverage of services that plaintiffs believe to be abortifacients.

IT IS FURTHER ORDERED that the motion of defendants for a second extension of time to file a response to plaintiffs’ original and amended complaints (Doc. 42) is sustained. Defendants may have until 28 days, from the date the court issues its ruling on the pending motion of defendants to stay these proceedings, to file a response to the plaintiffs’ complaints.

IT IS FURTHER ORDERED that the motion of plaintiffs for a ruling (Doc. 55) is denied as moot.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on June 28, 2013.